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STATE FOR WHA/AND:BTHOMAS AND L/LEI:HMCSHAIN
JUSTICE FOR OFFICE OF INTERNATIONAL AFFAIRS:MBOYNTON.

E.O. 12958: N/A
TAGS: [KJUS](#) [PHUM](#) [PREL](#) [PE](#)
SUBJECT: PERU: VISITATION OF EXTRADITEE WILMER YARLEQUE

REF: A. 2007 STATE 167285
[B](#). LIMA 071
[C](#). 2007 LIMA 3852

[1](#). (SBU) Summary: As directed in ref A, Post has visited Peruvian extraditee Wilmer YARLEQUE Ordinola on multiple occasions and confirmed that he is being treated in accordance with Peru's international human rights obligations. Moreover, the GOP has sought actively to fulfill its commitments contained in the bilateral "side" agreement that facilitated Yarleque's extradition. As per the terms of that agreement, an International Committee of the Red Cross (ICRC) representative is set to visit Yarleque approximately every 4 months during the remainder of his incarceration; Embassy officers will also be able to visit Yarleque at any time, as necessary. Given Peru's improved human rights climate and the GOP's demonstrated commitment, there is every reason to believe Yarleque's treatment will continue to be consistent with Peru's obligations under the Convention Against Torture (CAT). End Summary.

[2](#). (SBU) To facilitate the extradition of Yarleque to Peru, in the special side agreement embodied in an exchange of diplomatic notes late last year, the GOP reaffirmed its commitment to complying with international human rights norms under the Convention Against Torture (CAT). It also agreed that U.S. Embassy officers, or a mutually acceptable third party representative, would be able to visit Yarleque periodically in order to monitor his treatment for as long as his incarceration in Peru lasted (refs). Poloffs have now visited Yarleque on three separate occasions since his extradition to Peru. Poloff met Yarleque on arrival in Peru December 28, 2007. Poloffs then visited Yarleque at Lima's Castro Castro prison on January 11 and again on March 10, [2008](#). On all three occasions, Yarleque appeared well and had no substantive complaints about his treatment. (Note: Yarleque mentioned that prison conditions, including sleeping facilities, were uncomfortable. End Note.)

[3](#). (SBU) On February 15 Pol/C and poloffs participated in a meeting with 17 officials from various GOP agencies and offices, including the Ministry of Foreign Affairs, Ministry of Justice, Public Ministry (a rough equivalent of the U.S. Attorney General), National Penitentiary Institute (INPE) and Peruvian National Police to explore the terms of the "permanent" visitation regime. The GOP team was headed by Ambassador Bertha Vega Perez, Director General for Legal Affairs in the MFA. Ambassador Vega reaffirmed Peru's commitment to protecting the fundamental human rights of Yarleque and all other prisoners and underscored the GOP's intention to fulfill its international human rights obligations in this and every respect. Noting that the side agreement to secure Yarleque's extradition fell outside the formal parameters of our bilateral extradition treaty, she

said it had not ultimately posed a problem because the GOP could guarantee in good faith and without hesitation that Yarleque's treatment would meet Peru's obligations under the CAT.

14. (SBU) Pol/C noted that the special agreement responded to a formal need to facilitate an extradition we agreed should proceed rather than to a substantive doubt about Yarleque's future treatment. In fact, the USG's willingness to extradite him reflected our conviction that Yarleque's was extremely unlikely to be tortured in Peru. Other participating GOP representatives echoed Ambassador Vega's assurances, and several proactively sought ways to facilitate the terms of visitation. Public Ministry representative, Secilia Hinojosa Cuba, said she would offer the Public Ministry's services in monitoring Yarleque's treatment, if that would be helpful. The GOP representatives were unanimous in assuring us that, because Yarleque would be treated according to existing laws and treaties, arranging for visits by U.S. Embassy officials or appropriate third party representatives aimed at monitoring his treatment posed no problem whatever. Several GOP officials noted that the ICRC was accredited to perform such a function and would have the government's full support in doing so. They said that U.S. Embassy officials would also have access to Yarleque at any time, subject only to prior coordination. The general atmosphere was one of cooperation toward a shared purpose: ensuring humane treatment for prisoners and preserving the viability of our bilateral extradition treaty.

15. (SBU) Prior to the multi-agency meeting, Embassy human rights officer met with ICRC representatives to explore the possibility of that organization's assuming primary responsibility for visiting Yarleque over the long term. Following the meeting, we met again with the ICRC representatives, who said they would have included Yarleque on their registry as a matter of course even without the USG's request (the ICRC visits all prisoners associated, on either side, with Peru's terrorist insurgency), and were committed to visiting him approximately every four months. ICRC representatives agreed with us and our GOP counterparts that Yarleque faced no credible prospect of being tortured while incarcerated in Peru. They further explained that, in the unlikely event there was an issue or suspicion to report, the concern would be communicated in accordance with the organization's established privacy guidelines. That is, the ICRC would contact the Defensoria del Pueblo (or Human Rights Ombudsman, an autonomous constitutional body charged with overseeing the state's human rights practices), which, in turn, would deliver the message to Embassy officers. (Note: Embassy has long maintained a close professional relationship with the Defensora del Pueblo's office. End Note.) When poloffs explained the ICRC plan during the March 10 visit, Yarleque said he understood and was amenable.

16. (SBU) Peru's human rights situation has improved markedly since terrorism was contained in the 1990s and the Fujimori era ended in 2000. In that sense, earlier references to torture in the Department's annual Human Rights report reflected past realities while increasingly misrepresenting the evolving truth. This misrepresentation has since been corrected. According to the Department's 2007 Human Rights Report, "There were no credible reports of torture during the year." Given this fact, the high-profile nature of the case, and the government's manifest commitment to meetings its human rights obligations in this connection, allowing the ICRC take the lead on visiting Yarleque over the long term, while leaving open the option of a U.S. Embassy officer visiting at any time, as necessary, is a win-win solution.

MCKINLEY